

Please amend claim 4 as follows:

4. (Amended) A composition according to Claim 2 wherein the chondroprotective agent is selected from the group consisting of aminosugars, glycosaminoglycans, and mixtures thereof and wherein:

- 1b2
- a) the aminosugars are selected from the group consisting of glucosamine and salts thereof; and
 - b) the glycosaminoglycans are selected from the group consisting of chondroitin and salts thereof.

Please cancel claims ~~5~~ and ~~6~~.

Please amend claim 13 as follows:

13. (Amended) A composition comprising:

- 1b2
- a) a chondroprotective agent selected from the group consisting of cartilage, aminosugars, glycosaminoglycans, methylsulfonylmethane, precursors of methylsulfonylmethane, S-adenosylmethionine, salts thereof, and mixtures thereof; and
 - b) a sweetening agent selected from the group consisting of sorbitol, mannitol, xylitol, erythritol, malitol, maltose, lactose, fructooligosaccharides, lo han guo, stevioside, acesulfame, sucralose, saccharin, xylose, arabinose, levulose, isomalt, ribose and mixtures thereof;

wherein the composition is substantially free of aspartame.

Please cancel claim 15.

Please amend claim 16 as follows:

16. (Amended) A composition according to Claim 13 wherein the chondroprotective agent is selected from the group consisting of aminosugars, glycosaminoglycans, and mixtures thereof and wherein:

- 1b4
- a) the aminosugars are selected from the group consisting of glucosamine and salts thereof; and
 - b) the glycosaminoglycans are selected from the group consisting of chondroitin and salts thereof.

Please cancel claims ~~7~~ and ~~8~~.

Please amend claim 19 as follows:

B5
19. (Amended) A composition according to Claim 16 wherein the sweetening agent is selected from the group consisting of xylitol, erythritol, fructooligosaccharides, lo han guo, stevioside, acesulfame, sucralose, and mixtures thereof.

Please amend claim 36 as follows:

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36. (Amended) A composition according to Claim 35 comprising a sweetening agent selected from the group consisting of sorbitol, mannitol, xylitol, erythritol, malitol, maltose, lactose, fructooligosaccharides, lo han guo, stevioside, acesulfame, sucralose, saccharin, xylose, arabinose, levulose, isomalt, and ribose.

REMARKS

The first Official Action has been reviewed and carefully considered. By the present amendment, claims 3 and 15 have been canceled and the relative limitations of these two claims added to Independent claims 1 and 13 respectively. This amendment is intended to clarify the composition of the sweetener of the present invention. No new matter is added. Gelatin has been removed from the chodroprotective agent of claims 1 and 13. Aspartame has been removed from claims 19 and 36 as these claims depend from claims that are "essentially free" of aspartame. Claims 4 and 16 were amended to modify their dependency in light of the cancellation of claims 3 and 15. Claims 5, 6, 17 and 18 have been canceled. No new matter is added and entry of these amendments is respectfully requested.

As amended herein, claims 1, 2, 4, 7-14, 16, and 19-50 remain in the application.

Rejection under 35 USC § 101

Claims 43-46 stand rejected under 35 USC § 101 as allegedly being an improper definition of a process. Specifically, the Office Action states that the claims recite a use without setting forth any steps involved in the process. Unfortunately, the Applicant does not fully understand the basis of this rejection. While the legal basis of this rejection is understood, the application to claims 43-46 is not. Claims 43-46 are directed to "kits" which contain the compositions of claims 1, 13, 22, and 34. Kits fall neatly within the category of articles of "manufacture", which is patentable subject matter under 35 USC § 101. As such, it is believed that this rejection has been made in error. If the Examiner wishes to maintain this rejection, a more detailed explanation of the rejection is respectfully requested.

Rejection under 35 USC § 112

Claims 1, 13, 22, and 34 stand rejected under § 112, first paragraph, for being allegedly non-enabling because the terms "gelatin", "cartilage", "amino sugars", and "glycosaminoglycans" include